

**CEMETERY ADVISORY COMMITTEE
MINUTES
1400 EAST WASHINGTON AVENUE, MADISON
AUGUST 1, 2001**

PRESENT: Tim Tysver, Laurel Schaftary, Craig Gramke, Glen Porter, III, Jon Ruatti, David Stucki

EXCUSED: Marie Drescher, Reverend LeRoy Mixon, David Weiss, Kelly Coleman and Dewey Mathewson

STAFF PRESENT: Clete Hansen, Jacquelynn Rothstein and Gene Kleinert

GUESTS: None.

CALL TO ORDER

The meeting was called to order at 9:37 a.m. by Clete Hansen, Division Administrator.

AGENDA

The agenda were informally approved.

MINUTES (9/15/98)

MOTION: Jon Ruatti moved, seconded by David Stucki, to approve the minutes as written. Motion unanimously carried.

ADMINISTRATIVE REPORT

Secretary Ocar Herrera

Secretary Herrera reviewed his education and experiences before coming to the Department of Regulation and Licensing. Committee members introduced themselves to Mr. Herrera. Secretary Herrera thanked the Committee members for their time and effort in providing assistance to the Department. Secretary Herrera also told the Committee that the Department is carefully reviewing whether the cemetery provisions in the Biennial Budget Bill should be vetoed.

Division Administrator's Report

• **Committee Membership Roster**

Clete Hansen informed the Committee that Kelly Coleman, David Weiss and the Reverend Leroy Mixon were scheduled to attend the meeting. Marie Drescher and Dewey Mathewson still wish to remain on the Committee; however, Beverly Steinhoff has provided the Department with the name of an individual whom Ms. Steinhoff recommends as her replacement. Clete Hansen requested that Committee members update the information on the Committee roster and include their e-mail addresses.

- **Meeting Dates**

The date of the next meeting was set for Wednesday, October 10, 2001.

DISCUSSION ISSUES

Proposed Revision of Cemetery Laws

a. Biennial Budget Bill

The meeting packet included pages from the 2001-03 Wisconsin State Budget, Comparative Summary, Budget Provisions of the Senate and Assembly, prepared by the Legislative Fiscal Bureau on July 2, 2001. Clete Hansen reviewed the history, relating to the development of a comprehensive cemetery revision bill, starting with the work of the Cemetery Task Force and including negotiations that Secretary Marlene Cummings had with various interest groups, and the negotiations that Representative Johnny Morris Tatum's staff and Ed Huck of the Alliance of Cities had with various interest groups. Mr. Hansen also referred to actions taken by the Joint Finance Committee, the Assembly, the Senate and the Conference Committee.

Mr. Hansen explained that Senator Brian Burke was interested in this legislation; however, he made it clear that the religious cemeteries would have to be exempt, just as they are now.

The Committee discussed whether the provisions relating to cemeteries in the final version of the Biennial Budget Bill should be vetoed by the Governor. Committee members informally agreed that creating a cemetery management insurance fund and creating other new provisions for cemeteries in Milwaukee County alone is not a good approach to regulating the industry. Clete Hansen and Jacquelynn Rothstein explained the reasons why the Department has been opposed to removing the responsibilities of local municipalities for abandoned cemeteries in their jurisdictions, opposed to creating a cemetery management insurance fund and opposed to adding new provisions relating to the court appointing a trustee for an abandoned cemetery.

Committee members who are members of the Badger and Old Cemetery State Cemetery Association stated that the Association would be requesting the Governor to veto the provisions in the Biennial Budget Bill.

The Committee briefly discussed a few other cemetery-related items in the Biennial Budget Bill. These items are entitled: "Treatment of Irrevocable Burial Trusts Under MA" and "Conveyance of Cemetery Lots." A Committee member advised that a cemetery in Milwaukee is losing money by providing 600 indigent burials a year. He said that the payments from the county for indigent burials are not sufficient to cover the costs.

b. SB 51

The Committee noted correspondence received from Dewey Mathewson and reviewed the arguments against requiring seasonal burials. Cemeterians on the Committee made it clear that they strongly oppose this proposed legislation, regardless of whether it is in the Biennial Budget Bill or proceeds as separate legislation. Committee members noted copies of correspondence,

regarding this legislation, prepared by Glenn Porter on behalf of the Wisconsin Badger State Cemetery Association and by Clete Hansen on behalf of the Funeral Directors Examining Board.

Report on Evergreen Cemetery

The Committee received a copy of a cover letter and an attachment, entitled “Notice of Circumstances Giving Rise to Claim and Claim Pursuant to Wis. Stat. s. 893.80,” sent by Assistant Attorney General David Gilles to the city of Glendale and the city of Milwaukee.

The Committee briefly discussed the current status of Evergreen Cemetery.

Review Compliance With the 1999 Disclosure Requirements

Committee members said that this disclosure issue has not been the subject of much discussion at meetings they have attended. These disclosure requirements were created in the 1999-2001 Biennial Budget Bill. Clete Hansen reminded Gene Kleinert to ask for a copy of these disclosures when he audits cemeteries.

The Committee discussed the role of the FTC in imposing similar disclosures on funeral directors and the efforts of the FTC to, possibly, revise its Funeral Rule.

Proposed Regulation of Crematories

Committee members focused on 2 issues:

1. The entity or entities (the Funeral Directors Examining Board and/or the Department of Regulation and Licensing) that should regulate crematories. A public member of the Committee emphasized that he would not like this proposal to cause any erosion of the separation of cemeteries and funeral directors; however, he believes that there should be only one regulator, the Department.
2. Whether an individual who, before his or her death, desires to authorize cremation of his or her body after death should be listed first in the priority list on page 3 of the draft prepared by the Funeral Directors Examining Board. Some Committee members expressed the need to have some language to protect the crematory from liability if such an individual can make this choice before death.

MOTION: David Stucki moved, seconded by Laurel Schaftery, that the Cemetery Advisory Committee recommends that the legislative proposal of the Funeral Directors Examining Board be approved with the exception that only the Department of Regulation and Licensing be the regulatory entity and the list of authorizing agents on page 3 of the proposal be revised to include as the first priority the individual person who, before his or her death, desires to authorize cremation of his or her body after death, and that changes be made to the proposal to accomplish the intend of this motion. Motion carried unanimously.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Correspondence between Memorial Ecosystems and Jacquelynn Rothstein, dated May 31, 2001, noted.

E-mail message from the NCRA to Clete Hansen, relating to the fact that Honor Life Memorials in Vista, CA no longer stores memorials.

NEW BUSINESS

No new business to report.

NEXT MEETING

The next meeting will be October 10, 2001, beginning at 9:30 a.m. in Madison.

ADJOURNMENT

The meeting was informally adjourned at 12:12 p.m.